

REMARKS

Claims 1-34 remain in the present application. Claims 1-10 have been amended; claims 11-34 have been withdrawn. Claim 1 is an independent claim.

Discussion Under 35 U.S.C. §101

The Examiner asserts that the wobbled pre-pit refers to a part of an optical disc, often used for addressing and identifying sectors and the copy protection information written into a wobbled pre-pit type is more than perfunctory; the physical accessing process of wobbled pre-pit type is of a different kind from the physical accessing of other types which often have information.

The Examiner states that the claims meet the statutory requirements of 35 U.S.C. § 101. The Applicant agrees that the claims meet the statutory requirements of 35 U.S.C. § 101.

The term "the wobbled pre-pit type" of claim 1 describes marks recorded in the disc similar to a wobbled pre-pit form. That is, the information recorded as the wobbled pre-pit type represents the information recorded as marks like or as that of the wobbled pre-pit. The information recorded as the wobbled pre-pit is not the wobbled pre-pit itself which is often used for addressing and identifying sectors, but just uses the term "wobbled pre-pit type" considering its form is similar to the wobbled pre-pit and is recorded in advance.

Conditionally Allowable Subject Matter

Applicants wish to thank the Examiner for his indication that claims 3 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable over the current art of record if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims Rejections Under 35 U.S.C. §103

Claims 1-2 and 5-10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Memorex (White Paper Reference Guide Optical Media, March 24, 2006).

The Applicant respectfully asserts that the Memorex White Paper Reference Guide is not proper prior art as it is dated March 24, 2006. The U.S. Filing date of the present application is February 19, 2004, over two years prior to the Memorex White Paper. For at least this reason, the Applicant respectfully asserts that the Memorex White Paper Reference Guide cannot be cited against the present application and must be removed as a reference.

Parts 2 and 5 of the Office Action appear to not be relevant because, while it is not clear, they appear to be attempting to cure the insufficiencies of the Memorex White Paper Reference Guide. Because the Memorex White Paper Reference Guide is not prior art, the arguments set forth in parts 2 and 5 are irrelevant.

Because no other references have been cited the Applicant respectfully asserts that the claims are in condition for allowance and respectfully requests that the rejections under 35 U.S.C. § 103(a) be removed.

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CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-10 in connection with the present application is earnestly solicited.


Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants hereby petition for a two (2) month extension of time for filing a reply to the outstanding Office Action and submit the required \$460 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

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